

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

COREY ANDERSON,

Plaintiff,

vs.

OFFICER T. CAREY #18795,
OFFICER D. BORA #19830, OFFICER B.
TOWN #3599, OFFICER E. MAY #16474,
OFFICER S. PICKETT #12737 and CITY OF
CHICAGO,

Defendants.

No. 08-cv-768

JUDGE Gettleman

MAGISTRATE JUDGE Denlow

JOINT STATUS REPORT

NOW COMES the Plaintiff, by and through Erica Faaborg of Horwitz, Richardson & Baker LLC, and the Defendants, by and through their attorneys, Thomas Aumann, on behalf of the City of Chicago, and Marc Boxerman, on behalf of the individual Defendants, and propose to this Court the following joint status report of the parties:

1. This matter is set for status on September 17, 2008 at 9:00 a.m.
2. The lead attorneys on the case are Blake Horwitz for the Plaintiff and Thomas Aumann and Marc Boxerman for the Defendants. These are the attorneys that will try the case if it goes to trial.
3. Basis for federal jurisdiction: 42 U.S.C. § 1983; 28 U.S.C. §1331 and §1343(a); the Constitution of the United States; and this Court's supplementary jurisdiction powers.
4. Nature of the claims asserted in the complaint and any counterclaims: The Plaintiff alleges he was falsely arrested and criminally charged and brings claims of § 1983 false arrest, false arrest (state law claim), malicious prosecution (state law claim), § 1983 conspiracy,

conspiracy (state law claim), § 1983 wrongful search of residence, § 1983 equal protection class of one, an indemnity claim against City of Chicago under 745 ILCS 10/9-102, and a supplementary *respondeat superior* claim.

5. The name of any party not yet served and the circumstances regarding non-service: All Defendants have been served and have appeared through counsel. Defendant City of Chicago answered Plaintiff's First Amended Complaint on April 21, 2008. The individual Defendants have not yet filed their answers.

6. Plaintiff requests compensatory and punitive damages from Defendants. A computation of damages is not available at this time.

7. Principal legal issues: the probable cause standard for a false arrest claim and for a wrongful search claim, the elements of conspiracy, malicious prosecution, and equal protection class of one.

8. Principal factual issues: whether the Defendants had any basis to arrest Plaintiff or engage in a search, whether Defendants had a basis charge to the Plaintiff, i.e. the Defendants' factual basis for probable cause and the Plaintiff's claimed lack thereof.

9. Whether a jury trial is expected by either party: Plaintiff has demanded a trial by jury.

10. The individual Defendants anticipate filing a Motion to Dismiss Plaintiff's Equal Protection Class of One claim.

11. A short description of any discovery undertaken to date and any anticipated in the future: no discovery has occurred to date. The parties expect to use the normal discovery devices, including requests for production, interrogatories, requests for admission, and depositions. At this juncture, the parties do not anticipate exceeding the ten (10) depositions, per side, allotted by the

Federal Rules of Procedure and do not anticipate needing more than the seven (7) hours allotted for each such deposition. The parties propose the following discovery schedule:

- a. Fact discovery to be completed by March 30, 2009.
- b. Plaintiff to disclose expert witnesses by April 30, 2009.
- c. Defendant to disclose expert witnesses by May 30, 2009.

12. The earliest date the parties will be ready for trial and the length of the trial: The parties believe they can be ready for trial in approximately seven months (June 10, 2009) and anticipate the trial lasting 4 days.

13. Whether or not the parties unanimously consent to proceed before a Magistrate Judge: the parties do not unanimously consent to proceed before a Magistrate Judge at this time.

14. The status of any settlement discussions and whether the parties request a settlement conference: no settlement discussions have occurred.

Respectfully Submitted,

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